

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

An evidentiary hearing on supervised release revocation in this case was scheduled before me on February 25, 2010. The United States was represented by AUSA Todd Greenberg and the defendant by Peter Camiel. The proceedings were digitally recorded.

Defendant had been sentenced on or about February 27, 2006 by the Honorable James L. Robart on a charge of Possession with Intent to Distribute Cocaine Base, and sentenced to 36 months custody, 3 years supervised release. (Dkt. 65.)

The conditions of supervised release included the standard conditions plus the requirements that defendant be prohibited from the use of alcohol, participate in drug testing and treatment, submit to search, provide his probation officer with financial information as requested,

01 maintain a single checking account for all transactions, disclose all assets and liabilities, be  
02 prohibited from incurring new lines of credit or credit obligations, be prohibited from possessing  
03 any identification in any but his true identity, and, if deported, not reenter the United States  
04 without permission.

05 On September 8, 2009, the conditions of supervision were modified to require defendant  
06 to participate in a home confinement program with electronic monitoring for up to 90 days. (Dkt.  
07 98)

08 In an application dated February 8, 2010 (Dkt. 100, 101), U.S. Probation Officer Jennifer  
09 J. Tien alleged the following violations of the conditions of supervised release:

10 1. Driving Under the Influence of Alcohol on or about June 16, 2009, in violation  
11 of the general condition that the defendant not commit any federal, state or local crimes.

12 2. Failing to report law enforcement contact on or about June 16, 2009, in violation  
13 of standard condition number 11.

14 3. Using marijuana on or about January 15, 2010, in violation of standard condition  
15 number 7.

16 4. Failing to report to the probation officer on February 2, 2010, in violation of  
17 standard condition number 2.

18 5. Failing to notify the probation officer at least 10 days prior to any change in  
19 residence on or before February 3, 2010, in violation of standard condition number 6.

20 6. Failing to report to the probation officer on February 4, 2010, in violation of  
21 standard condition number 2.

22 Defendant was advised in full as to those charges and as to his constitutional rights.

The government moved to amend violation 1 to allege the commission of the crime of Negligent Driving, to reflect the Defendant's guilty plea to that charge in Snohomish County. Defendant admitted the alleged violations, including violation 1 as amended, and waived any evidentiary hearing as to whether they occurred. (Dkt. 106.)

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Robart.

Pending a final determination by the Court, defendant has been detained.

DATED this 25th day of February, 2010.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge

cc: District Judge: Honorable James L. Robart  
AUSA: Todd Greenberg  
Defendant's attorney: Peter Camiel  
Probation officer: Jennifer J. Tien